



Public Health Department

Environmental Health

202 Mira Loma Drive
Oroville, California 95965

Cathy A. Raevsky, Director
Andy Miller, M.D., Health Officer

T: 530.538.7281
F: 530.538.5339

buttecounty.net/publichealth

August 3, 2018

Francis Property Management
Attn: Stephanie Almond
P.O. Box 63
Chico, CA 95927

CITATION NO. 01_34_18C_001_0400158_S2

**RE: FRANCIS PROPERTY MANAGEMENT, PWS #04-00158
1,2,3-TRICHLOROPROPANE (1,2,3-TCP) MONITORING VIOLATION FOR 2018**

Enclosed is Citation No. 01_34_18C_001_0400158_S2 (hereinafter "Citation"), issued to the Francis Property Management (hereinafter "System"), public water system. Please note that there are legally enforceable deadlines associated with this Citation.

The System will be billed at the Butte County Environmental Health's (hereinafter "Department") hourly rate for any enforcement issued to the System for lack of sampling. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the Department for actual costs incurred by the Department for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the Department under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the Department. The date of issuance is the date when the Department mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Jenifer Kovacs at 530.538.5329.

Sincerely,



Jenifer Kovacs, EHS, Associate

Enclosures

Certified Mail No. 7011 2970 0003 9130 4199

cc: Stephanie Almond System Manager; Reed Francis Certified Operator; Reese Crenshaw,
Valley District Engineer- SWRCB Division of Drinking Water

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Francis Property Management

Water System No: 04-00158

Attention: Francis Property Management

Attn: Stephanie Almond

P.O. Box 63

Chico, CA 95927

Issued: August 3, 2018

CITATION FOR NONCOMPLIANCE
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64445
FAILURE TO CONDUCT INITIAL MONITORING FOR
1,2,3-TRICHLOROPROPANE
2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the Butte County Environmental Health (hereinafter "BCEH") by and through its delegation agreement with State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when BCEH determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section

1 116270), or any regulation, standard, permit, or order issued or adopted
2 thereunder.

3
4 BCEH, acting by and through its Division of Drinking Water (hereinafter
5 "Division"), and the Deputy Director for the Division, hereby issues Citation
6 No. 01_34_18C_001_0400158_S2 (hereinafter "Citation"), pursuant to Section
7 116650 of the CHSC to the Francis Property Management (hereinafter
8 "System"), for violation of CHSC, Section 116555(a)(1) and California Code
9 of Regulations (hereinafter "CCR"), Title 22, Section 64445.

10
11 A copy of the applicable statutes and regulations are included in Appendix 1,
12 which is attached hereto and incorporated by reference.

13 14 **STATEMENT OF FACTS**

15 The System is classified as a nontransient noncommunity public water system
16 with a population of 40, serving 22 connections. The System operates under
17 Domestic Water Supply Permit No. 04-00158 issued by the BCEH on January
18 3, 2008.

19
20 CHSC, Section 116555(a)(1) requires all public water systems to comply with
21 primary drinking water standards as defined in CHSC, Section 116275(c).
22 Primary drinking water standards include maximum levels of contaminants
23 and the monitoring and reporting requirements as specified in regulations
24 adopted by the State Water Board that pertain to maximum contaminant
25 levels. CCR, Title 22, Section 64445 requires the water system to initiate
26 quarterly monitoring for any chemical added to table 64444-A in January after
27 the effective date of the maximum contaminant level (MCL).

Effective December 14, 2017, all community and nontransient noncommunity public water systems were required to monitor their active sources for 1,2,3-Trichloropropane (hereinafter "1,2,3-TCP") and report all sampling results to the Local Primacy Agency beginning with the first quarter of 2018 (January 1 to March 31, 2018). Initial monitoring for 1,2,3-TCP consists of four quarterly samples beginning with the first calendar quarter of 2018 for the purpose of determining compliance with the 1,2,3-TCP maximum contaminant level (hereinafter "MCL").

The State Water Board's electronic water quality database shows that there are no 1,2,3-TCP results for the well in the second quarter.

DETERMINATION

BCEH has determined that the System has failed to comply with the CHSC, Section 116555(a)(1) and initial organic chemical monitoring requirements pursuant to CCR, Title 22, Section 64445.

DIRECTIVES

The System is hereby directed to take the following actions:

1. Collect and report 1,2,3-TCP samples for the raw water sources beginning 3rd quarter 2018 through 2nd quarter 2019.
2. On or before September 7, 2018 notify all persons served by the System of the violation of CCR, Title 22, Section 64445 in conformance with Sections 64463.7 and 64465. Copies of Sections 64463.7 and 64465 are included in Appendix 1. Appendix 2: Notification Template

1 shall be used to fulfill this Directive unless otherwise approved by
2 BCEH.
3

4 3. Complete Appendix 3: Compliance Certification Form. Submit it
5 together with a copy of the public notification required by Directive 1 to
6 BCEH on or before September 7, 2018.

7 4. The System shall include this violation in the 2018 Consumer
8 Confidence Report in accordance with CCR, Title 22, Section
9 64481(g)(1).

10 5. By **September 1, 2018** submit a monitoring plan of 1,2,3-TCP for all
11 sources listed in directive 1 that meets initial monitoring requirements
12 per CCR, Title 22, Section 644445. The monitoring plan shall include
13 four consecutive quarters of 1,2,3-TCP. The System shall ensure that
14 the laboratory results are submitted to BCEH by the 10th day following
15 the quarter.
16

17 All submittals required by this Citation shall be electronically submitted to
18 BCEH at the following address. The subject line for all electronic submittals
19 corresponding to this Citation shall include the following information: Water
20 System name and number, citation number and title of the document being
21 submitted.
22

23 Butte County Environmental Health

24 Attn: Amanda Aguiar

25 202 Mira Loma Dr.

26 Oroville, CA 95965

27 (530) 538-5327 (phone) (530) 538-5339 (fax)
28

1 BCEH reserves the right to make modifications to this Citation as it may deem
2 necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Citation and shall be effective upon issuance.
4 Nothing in this Citation relieves the System of its obligation to meet the
5 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter
6 4, commencing with Section 116270), or any regulation, standard, permit or
7 order issued or adopted thereunder.

8 9 **PARTIES BOUND**

10 This Citation shall apply to and be binding upon the System, its owners,
11 shareholders, officers, directors, agents, employees, contractors, successors,
12 and assignees.


13 14 **SEVERABILITY**

15 The directives of this Citation are severable, and the System shall comply with
16 each and every provision thereof notwithstanding the effectiveness of any
17 provision.

18 19 **FURTHER ENFORCEMENT ACTION**

20 The California SDWA authorizes BCEH to: issue a citation or order with
21 assessment of administrative penalties to a public water system for violation
22 or continued violation of the requirements of the California SDWA or any
23 regulation, permit, standard, citation, or order issued or adopted thereunder
24 including, but not limited to, failure to correct a violation identified in a citation
25 or compliance order. The California SDWA also authorizes BCEH to take
26 action to suspend or revoke a permit that has been issued to a public water
27 system if the public water system has violated applicable law or regulations
28 or has failed to comply with an order of BCEH, and to petition the superior

1 court to take various enforcement measures against a public water system
2 that has failed to comply with an order of BCEH. The BCEH does not waive
3 any further enforcement action by issuance of this Citation.

4 
5 _____ August 2, 2018 _____
6 Elaine McSpadden, Director Date

7
8 Appendices 3

- 9
10 1. Applicable Statutes and Regulations
11 2. Notification Template
12 3. Compliance Certification Form
13

14 CC: Stephanie Almond System Manager; Reed Francis Certified Operator;
15 Reese Crenshaw, Valley District Engineer- SWRCB Division of Drinking
16 Water
17

18 Certified Mail No. 7011 2970 0003 9130 4199

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR
CITATION NO. 01_34_18C_001_0400158_S2**

**FAILURE TO CONDUCT INITIAL MONITORING FOR
1,2,3-TRICHLOROPROPANE**

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

§116270. Declaration.

The Legislature finds and declares all of the following:

- (a) Every resident of California has the right to pure and safe drinking water.
- (b) Feasible and affordable technologies are available and shall be used to remove toxic contaminants from public water supplies.
- (c) According to the State Department of Health Services, over 95 percent of all large public water systems in California are in compliance with health-based action levels established by the department for various contaminants.
- (d) It is the policy of the state to reduce to the lowest level feasible all concentrations of toxic chemicals that, when present in drinking water, may cause cancer, birth defects, and other chronic diseases.
- (e) This chapter is intended to ensure that the water delivered by public water systems of this state shall at all times be pure, wholesome, and potable. This chapter provides the means to accomplish this objective.
- (f) It is the intent of the Legislature to improve laws governing drinking water quality, to improve upon the minimum requirements of the federal Safe Drinking Water Act Amendments of 1996, to establish primary drinking water standards that are at least as stringent as those established under the federal Safe Drinking Water Act, and to establish a program under this chapter that is more protective of public health than the minimum federal requirements.
- (g) It is the further intent of the Legislature to establish a drinking water regulatory program within the state board to provide for the orderly and efficient delivery of safe drinking water within the state and to give the establishment of drinking water standards and public health goals greater emphasis and visibility within the state.

Section 116271. Transition of CDPH duties to State Board states in relevant part

(a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

(1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116625), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116625) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

Section 116275. Definitions states in relevant part:

(c) "Primary drinking water standards" means:

- (1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.
- (2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.
- (3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

Section 116555. Operational requirements states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116577. Enforcement fee states:

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

Section 116625. Revocation and suspension of permits states:

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided

within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650. Citations states:

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116701. Petitions to Orders and Decisions states:

(a)

(1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.

(2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.

(3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:

(A) Denial of an application for certification or accreditation under Section 100855.

(B) Issuance of an order directing compliance under Section 100875.

(C) Issuance of a citation under Section 100880.

(D) Assessment of a penalty under subdivision (e) of Section 100880.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.

(f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

California Code of Regulations (CCR), Title 22:

§64444. Maximum Contaminant Levels – Organic Chemicals states in relevant part:

The MCLs for the primary drinking water chemicals shown in table 64444-A shall not be exceeded in the water supplied to the public.

**Table 64444-A
Maximum Contaminant Levels
Organic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
(b) Synthetic Organic Chemicals (SOCs)	
1,2,3-Trichloropropane	0.000005

§64445. Initial Sampling - Organic Chemicals.

(a) Each community and nontransient-noncommunity water system shall collect four quarterly samples during the year designated by the State Board of each compliance period beginning with the compliance period starting January 1, 1993, from each water source at a site prior to any treatment and test for all applicable organic chemicals listed in table 64444-A. The State Board will designate the year based on historical monitoring frequency and laboratory capacity. For surface sources, the samples shall be taken at each water intake. For groundwater sources, the samples shall be taken at each well head. Where multiple intakes or wells draw from the same water supply, the State Board will consider sampling of representative sources as a means of complying with this section. Selection of representative sources shall be based on evidence which includes a hydrogeological survey and sampling results. Wells shall be allowed to flow for a minimum of 15 minutes before sampling to insure that the samples reflect the water quality of the source. In place of water source samples, a supplier may collect samples at sites located at the entry points to the distribution system. The samples shall be representative of each source after treatment. The system shall collect each sample at the same sampling site, unless a change is approved by the State Board.

(b) For any organic chemical added to table 64444-A, the water system shall initiate the quarterly monitoring for that chemical in January of the calendar year after the effective date of the MCL.

(c) A water system may request approval from the State Board to composite samples from up to five sampling sites, provided that the number of the sites to be composited is less than the ratio of the MCL to the DLR in §64445.1. Approval will be based on a review of three years of historical data, well construction and aquifer information for groundwater, and intake location, similarity of sources, and watershed characteristics for surface water. Compositing shall be done in the laboratory and analyses shall be conducted within 14 days of sample collection.

(A) Systems serving more than 3,300 persons shall composite only from sampling sites within a single system. Systems serving 3,300 persons or less may composite among different systems up to the 5-sample limit.

(B) If any organic chemical is detected in the composite sample, a follow-up sample shall be analyzed within 14 days from each sampling site included in the composite for the contaminants which were detected. The water supplier shall report the results to the State Board within 14 days of the follow-up sample collection. If available, duplicates of the original sample taken from each sampling site used in the composite may be used instead of resampling.

(d) A water system may apply to the State Board for a monitoring waiver for one or more of the organic chemicals on table 64444-A in accordance with the following:

(1) A source may be eligible for a waiver if it can be documented that the chemical has not been previously used, manufactured, transported, stored, or disposed of within the watershed or zone of influence and therefore, that the source can be designated nonvulnerable.

(2) If previous use of the chemical locally is unknown or the chemical is known to have been used previously and the source cannot be designated nonvulnerable pursuant to Paragraph (d)(1), it may still be eligible for a

waiver based on a review related to susceptibility to contamination. The application to the State Board for a waiver based on susceptibility shall include the following:

- (A) Previous monitoring results;
- (B) user population characteristics;
- (C) proximity to sources of contamination;
- (D) surrounding land uses;
- (E) degree of protection of the water source;
- (F) environmental persistence and transport of the chemical in water, soil and air;
- (G) elevated nitrate levels at the water supply source; and
- (H) historical system operation and maintenance data including previous State Board inspection results.

(3) To apply for a monitoring waiver for VOCs, the water system shall have completed the initial four quarters of monitoring pursuant to subsection (a) or three consecutive years of monitoring with no VOCs detected. If granted a waiver for VOC monitoring, a system using groundwater shall collect a minimum of one sample from every sampling site every six years and a system using surface water shall not be required to monitor for the term of the waiver. The term of a VOC waiver shall not exceed three years.

(4) To obtain a monitoring waiver for one or more of the SOC(s), the water system may apply before doing the initial round of monitoring or shall have completed three consecutive years of annual monitoring with no detection of the SOC(s) listed. If the system is granted a waiver for monitoring for one or more SOC(s), no monitoring for the waived SOC(s) shall be required for the term of the waiver, which shall not exceed three years.

(e) For water sources designated by a water supplier as standby sources, the water supplier shall sample each source for any organic chemical added to table 64444-A once within the three-year period beginning in January of the calendar year after the effective date of the MCL.

(f) Water quality data collected prior to January 1, 1988, for VOCs, or January 1, 1990, for SOC(s), and/or data collected in a manner inconsistent with this section shall not be used in the determination of compliance with the monitoring requirements for organic chemicals.

(g) MTBE data (i.e., a single sample) collected in a manner consistent with this section after January 1, 1998 in which no MTBE is detected, along with a designation of nonvulnerability pursuant to subsection (d), may be used to satisfy the initial monitoring requirements in subsection (a). If the requirements are satisfied in this way by a water system, the system shall begin annual monitoring pursuant to section 64445.1(b)(1).

(h) Water quality data collected in compliance with the monitoring requirements of this section by a wholesaler agency providing water to a public water system shall be acceptable for use by that system for compliance with the monitoring requirements of this section.

(i) Results obtained from groundwater monitoring performed for an organic chemical in accordance with this section and not more than two calendar years prior to the effective date of a regulation establishing the MCL for that organic chemical may be substituted to partially satisfy the initial monitoring requirements required by this section for that organic chemical. Requests to substitute groundwater monitoring results shall be made in accordance with the following:

- (1) Requests shall be made in writing by the water system to the State Board; and
- (2) If the State Board approves the request then results from a given calendar quarter will only be eligible to substitute for a single required initial monitoring result during that same quarter of initial monitoring. (e.g. the second quarter of 2016 may be substituted for the second quarter of 2018).
- (3) No more than three of the four quarterly samples as required by section 64445(a) or (b) may be substituted.

§64463.7. Tier 3 Public Notice.

- (a) Each water system shall give public notice pursuant to this section if any of the following occurs:
 - (1) Monitoring violations;

(2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or

(3) Operation under a variance or exemption.

(b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.

(1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.

(2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.

(3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.

(c) Each water system shall deliver the notice in a manner designed to reach persons served within the required time period, as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;

2. Posting in conspicuous public places served by the water system, or on the Internet; or

3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a posting:

1. Publication in a local newspaper or newsletter distributed to customers;

2. E-mail message to employees or students;

3. Posting on the Internet or intranet; or

4. Direct delivery to each customer.

(d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:

(1) Is given no later than one year after the water system learns of the violation or occurrence;

(2) Includes the content specified in section 64465; and

(3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c).

§64465. Public Notice Content and Format.

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail."; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we [*'did not monitor or test'* or *'did not complete all monitoring or testing'*] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time."

(b) A Tier 3 public notice for a water system operating under a variance or exemption shall include the elements in this subsection. If a water system has violated its variance or exemption conditions, the public notice shall also include the elements in subsection (a).

- (1) An explanation of the reasons for the variance or exemption;
- (2) The date on which the variance or exemption was issued;
- (3) A brief status report on the steps the water system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
- (4) A notice of any opportunity for public input in the review of the variance or exemption.

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(1) For a Tier 1 public notice:

(A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and

(B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the

appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or

2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.

**Appendix 64465-F. Health Effects Language states in relevant part
Synthetic Organic Contaminants.**

Contaminant

1,2,3-Trichloropropane

Health Effects Language

Some people who drink water containing 1,2,3-trichloropropane in excess of the MCL over n have an increased risk of getting cancer.

§64481. Content of the Consumer Confidence Report states in relevant part

(g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data.

APPENDIX 2. NOTIFICATION TEMPLATE**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable.

Por favor hable con alguien que lo pueda traducir.

**1,2,3-Trichloropropane Monitoring Requirements
Not Met for Francis Property Management During the Second Quarter of 2018**

Our water system recently failed to monitor as required for a drinking water standard during the second quarter of 2018 and, therefore was in violation of the regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the second quarter of 2018, we did not collect a 1,2,3-trichloropropane (1,2,3-TCP) raw well sample and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the calendar year 2018, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples will be taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples will be taken
1,2,3-TCP	1 quarterly sample, sample was due second quarter from the well	None	During April-July	August 2018

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

What happened? _____

What is being done? _____

[Describe corrective action] _____

We anticipate resolving the problem within [estimated time frame] _____.

For more information, please contact:

Water System Contact Name _____ Stephanie Almond _____

Phone Number _____ 892-0664 _____

Mailing Address _____ P.O. Box 63, Chico, 95927 _____

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Francis Property Management in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

State Water System ID: 04-00158.

Date distributed: _____

APPENDIX 3: COMPLIANCE CERTIFICATION**Citation Number:** 01_34_18C_001_0400158_S2**Name of Water System:** Francis Property Management**System Number:** 04-00158**Certification**

I certify that the users of the water supplied by this water system were notified of the 1,2,3-TCP monitoring violation of California Code of Regulations, Title 22, Section 64445 for the compliance period of 2018 and the required actions listed below were completed.

Required Action	Date Completed
<i>Public Notification Method(s) Used:</i>	
<i>1,2,3-TCP Sample Collection Date(s):</i> _____	
<i>Secondary notification method if 2018 Consumer Confidence Report was allowed as the primary method:</i> _____	

Signature of Water System Representative

Date

Attach a copy of the public notice distributed to the water system's customers.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE BCEH,
DIVISION OF DRINKING WATER, NO LATER THAN September 7, 2018**

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.